United Nations S/2001/157

Security Council

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Draft resolution

The Security Council,

Recalling its resolutions 1234 (1999) of 9 April 1999, 1258 (1999) of 6 August 1999, 1265 (1999) of 17 September 1999, 1273 (1999) of 5 November 1999, 1279 (1999) of 30 November 1999, 1291 (2000) of 24 February 2000, 1296 (2000) of 19 April 2000, 1304 (2000) of 15 June 2000, 1323 (2000) of 13 October 2000 and 1332 (2000) of 14 December 2000 and the statements of its President of 13 July 1998 (S/PRST/1998/20), 31 August 1998 (S/PRST/1998/26), 11 December 1998 (S/PRST/1998/36), 24 June 1999 (S/PRST/1999/17), 26 January 2000 (S/PRST/2000/2), 5 May 2000 (S/PRST/2000/15), 2 June 2000 (S/PRST/2000/20) and 7 September 2000 (S/PRST/2000/28),

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and of all States in the region,

Reaffirming further the obligation of all States to refrain from the use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming also the sovereignty of the Democratic Republic of the Congo over its natural resources, and *noting* with concern reports of the illegal exploitation of the country's assets and the potential consequences of these actions for security conditions and the continuation of hostilities,

Expressing its alarm at the dire consequences of the prolonged conflict for the civilian population throughout the territory of the Democratic Republic of the Congo, in particular the increase in the number of refugees and displaced persons and *stressing* the urgent need for substantial humanitarian assistance to the Congolese population,

Expressing its deep concern at all violations of human rights and international humanitarian law, including atrocities against civilian populations, especially in the eastern provinces,

Deeply concerned at the increased rate of HIV/AIDS infection, in particular amongst women and girls as a result of the conflict,

Gravely concerned by the continued recruitment and use of child soldiers by armed forces and groups, including cross-border recruitment and abduction of children,

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Reaffirming its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Reaffirming its support for the Lusaka Ceasefire Agreement (S/1999/815), as well as the Kampala plan and the Harare sub-plans for disengagement and redeployment,

Stressing the importance of giving new impetus to the peace process in order to secure the full and definitive withdrawal of all foreign troops from the Democratic Republic of the Congo,

Also stressing the importance of advancing the political process called for under the Lusaka Ceasefire Agreement and facilitating national reconciliation,

Recalling the responsibilities of all parties to cooperate in the full deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), and *noting* with satisfaction the recent statements by the President of the Democratic Republic of the Congo and his assurances of support for the deployment of MONUC,

Welcoming the participation of the members of the Political Committee of the Lusaka Ceasefire Agreement in its meetings of 21 and 22 February 2001, and *stressing* the need for the parties to honour the commitments they made to take concrete steps to advance the peace process,

Commending the outstanding work of MONUC personnel in challenging conditions, and *noting* the strong leadership of the Special Representative of the Secretary-General,

Taking note of the Secretary-General's report of 12 February 2001 (S/2001/128) and his conclusion that the necessary conditions of respect for the ceasefire, a valid plan for disengagement and cooperation with MONUC are being met,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Notes* the recent progress made in achieving respect for the ceasefire, and *urgently calls* on all parties to the Lusaka Ceasefire Agreement not to resume hostilities and to implement this agreement, as well as the agreements reached in Kampala and Harare and the relevant Security Council resolutions;

2. *Demands once again* that Ugandan and Rwandan forces and all other foreign forces withdraw from the territory of the Democratic Republic of the Congo in compliance with paragraph 4 of its resolution 1304 (2000) and the Lusaka Ceasefire Agreement, and *urges* these forces to take urgent steps to accelerate this withdrawal;

3. *Demands* that the parties implement fully the Kampala plan and the Harare sub-plans for disengagement and redeployment of forces without reservations within the 14-day period stipulated in the Harare Agreement, starting from 15 March 2001;

4. *Welcomes* the commitment by the Rwandan authorities in their letter of 18 February 2001 (S/2001/147), to withdraw their forces from Pweto in accordance

with the Harare Agreement, *calls on* them to implement this commitment, and *calls on* other parties to respect this withdrawal;

5. *Welcomes also* the commitment of the Ugandan authorities to reduce immediately by two battalions the strength of their forces in the territory of the Democratic Republic of the Congo, *calls* on the Ugandan authorities to implement this commitment, and *calls* on MONUC to verify it;

6. *Urges* the parties to the Lusaka Ceasefire Agreement to prepare and adopt not later than 15 May 2001, in close liaison with MONUC, a precise plan and schedule which, in accordance with the Lusaka Ceasefire Agreement, would lead to the completion of the orderly withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo, and *requests* the Secretary-General to report to it by 15 April 2001 on the progress of these efforts;

7. *Demands* that all the parties refrain from any offensive military action during the process of disengagement and withdrawal of foreign forces;

8. *Urges* all the parties to the conflict, in close liaison with MONUC, to prepare by 15 May 2001 for immediate implementation prioritized plans for the disarmament, demobilization, reintegration, repatriation or resettlement of all armed groups referred to in Annex A, Chapter 9.1, of the Lusaka Ceasefire Agreement, and *demands* that all parties cease all forms of assistance and cooperation with these groups and use their influence to urge such groups to cease their activities;

9. *Condemns* the massacres and atrocities committed in the territory of the Democratic Republic of the Congo, and *demands* once again that all the parties concerned put an immediate end to violations of human rights and international humanitarian law;

10. *Demands* that all armed forces and groups concerned bring an effective end to the recruitment, training and use of children in their armed forces, *calls upon* them to extend full cooperation to MONUC, the United Nations Children's Fund, and humanitarian organizations for speedy demobilization, return and rehabilitation of such children, and *requests* the Secretary-General to entrust the Special Representative of the Secretary-General for Children and Armed Conflicts with pursuing these objectives on a priority basis;

11. *Calls on* all parties to ensure the safe and unhindered access of relief personnel to all those in need, and *recalls* that the parties must also provide guarantees for the safety, security and freedom of movement of United Nations and associated humanitarian relief personnel;

12. *Calls also on* all the parties to respect the principles of neutrality and impartiality in the delivery of humanitarian assistance;

13. *Calls on* the international community to increase its support to humanitarian relief activities within the Democratic Republic of the Congo and in neighbouring countries affected by the crisis in the Democratic Republic of the Congo;

14. *Reminds* all parties of their obligations with respect to the security of civilian populations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and *stresses* that occupying

forces should be held responsible for human rights violations in the territory under their control;

15. *Welcomes* the expressed willingness of the authorities of the Democratic Republic of the Congo to proceed with the inter-Congolese Dialogue under the aegis of the neutral Facilitator, Sir Ketumile Masire, and in this regard *welcomes* the announcement by the President of the Democratic Republic of the Congo at the Summit in Lusaka on 15 February 2001 that the Facilitator has been invited to Kinshasa, and *calls on* all Congolese parties to take immediate concrete steps to take forward the inter-Congolese dialogue;

16. *Reiterates* that MONUC shall cooperate closely with the Facilitator of the Inter-Congolese Dialogue, provide support and technical assistance to him, and coordinate the activities of other United Nations agencies to this effect;

17. *Calls* on all the parties to the conflict to cooperate fully in the deployment and operations of MONUC including through full implementation of the provisions and the principles of the Status of Forces Agreement throughout the territory of the Democratic Republic of the Congo, and *reaffirms* that it is the responsibility of all the parties to ensure the security of United Nations personnel, together with associated personnel;

18. *Requests* the parties, as a follow-up to the discussions on this matter at the Lusaka Summit on 15 February 2001, to relocate the Joint Military Commission (JMC) to Kinshasa, co-locating it at all levels with MONUC, and *calls on* the authorities of the Democratic Republic of the Congo to ensure the security of all the JMC members;

19. *Reaffirms* the authorization contained in resolution 1291 (2000) and the mandate set out in its resolution for the expansion and deployment of MONUC, and *endorses* the updated concept of operations put forward by the Secretary-General in his report of 12 February 2001, with a view to the deployment of all the civilian and military personnel required to monitor and verify the implementation by the parties of the ceasefire and disengagement plans, stressing that this disengagement is a first step towards the full and definitive withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo;

20. *Emphasizes* that it will be prepared to consider a further review of the concept of operations for MONUC, when appropriate and in the light of developments, in order to monitor and verify the withdrawal of foreign troops and the implementation of the plan mentioned in paragraph 8 above and, in coordination with existing mechanisms, to enhance security on the border of the Democratic Republic of the Congo with Rwanda, Uganda and Burundi, and *requests* the Secretary-General to make proposals when appropriate;

21. *Reaffirms* that it is ready to support the Secretary-General if and when he deems that it is necessary and it determines that conditions allow it to deploy troops in the border areas in the east of the Democratic Republic of the Congo, including possibly in Goma or Bukavu;

22. *Welcomes* the dialogue initiated between the authorities of the Democratic Republic of the Congo and Burundi, *urges* them to continue their efforts, and *emphasizes* in this respect that the settlement of the crisis in Burundi

would contribute positively to the settlement of the conflict in the Democratic Republic of the Congo;

23. *Welcomes also* the recent meetings of the parties, including the meeting of the Presidents of the Democratic Republic of the Congo and Rwanda, *encourages* them to intensify their dialogue with the goal of achieving regional security structures based on common interest and mutual respect for the territorial integrity, national sovereignty and security of both States, and *emphasizes* in this respect that the disarmament and demobilization of and cessation of any support to the ex-Rwandese Armed Forces and Interahamwe forces will facilitate the settlement of the conflict in the Democratic Republic of the Congo;

24. *Expresses* its full support for the work of the expert panel on the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo, and once again *urges* the parties to the conflict in the Democratic Republic of the Congo and the other parties concerned to cooperate fully with it;

25. *Reaffirms* that it attaches the highest importance to the cessation of the illegal exploitation of the natural resources of the Democratic Republic of the Congo, *affirms* that it is ready to consider the necessary actions to put an end to this exploitation, and *awaits with interest* in this respect the final conclusions of the expert panel, including the conclusions relating to the level of cooperation of States with the expert panel;

26. *Reaffirms also* that an international conference on peace, security, democracy and development in the Great Lakes region, with participation by all the Governments of the region and all the other parties concerned, should be organized at the appropriate time under the aegis of the United Nations and the Organization of African Unity with a view to strengthening stability in the region and working out conditions that will enable everyone to enjoy the right to live peacefully within national borders;

27. *Expresses* its intention to monitor closely progress by the parties in implementing the requirements of this resolution and to undertake a mission to the region, possibly in May 2001, to monitor progress and discuss the way forward;

28. *Expresses* its readiness to consider possible measures which could be imposed, in accordance with its responsibilities and obligations under the Charter of the United Nations, in case of failure by parties to comply fully with this resolution;

29. *Decides* to remain actively seized of the matter.